

Docket No. 49,386 - CIP (71995)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Allen Carl, et al.  
INT. APPLN. NO.: PCT/US00/12773  
FILED: 10 MAY 00 (10.05.00)  
FOR: SYSTEMS AND METHODS FOR SPINAL FIXATION

BOX PCT  
Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Attn: DO/EO/US**

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**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date below in an envelope as "Express Mail" Post Office to Addressee" Mailing Label No. EL789783597US addressed to the Commissioner of Patents and Trademarks, Washington, DC, 20231 on November 13, 2001.

  
William J. Daley, Jr.

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SIR:


**PRELIMINARY AMENDMENT  
WITH FILING UNDER 35 U.S.C. 371**

Please preliminarily amend the subject PCT national stage application as follows and before calculating the filing fee therefor:

**IN THE CLAIMS**

**Cancel** claims 2-72 without prejudice.

**Add** new claims 73-120 as follows:

  
73. (ADDED) A method for securing an intravertebral prosthetic device, comprising implanting an arcuate fixation member between the vertebrae and passing a portion of the arcuate fixation member through the intravertebral prosthetic device, wherein a portion of the fixation member is made from a flexible material:

74. (ADDED) The method of claim 73 wherein the fixation member is implanted through a pre-formed aperture in each of the adjacent vertebrae.